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A SERMON

PREACHED BEFORE

THE HONOURABLE AND RIGHT REVEREND

RICHARD,

LORD BISHOP OF DURHAM,

THE HONOURABLE HENRY BATHURST,

ONE OF THE JUSTICES OF THE COURT OF COMMON PLEAS,

AND

THE HONOURABLE SIR JOSEPH YATES,

ONE OF THE JUSTICES OF THE COURT OF KING'S BENCH;

AT THE ASSIZES

HOLDEN AT DURHAM, AUGUST 15, 1764.

DURHAM
ASSIZES

BY ROBERT LOWTH, D. D.

PREBENDARY OF DURHAM,

AND CHAPLAIN IN ORDINARY TO HIS MAJESTY.

PUBLISHED AT THE REQUEST OF THEIR LORDSHIPS, AND OF THE GENTLEMEN OF THE GRAND JURY.

NEWCASTLE:

PRINTED BY T. SLACK, FOR R. MANISTY, BOOKSELLER, IN DURHAM:
AND SOLD BY W. CHARNLEY AND T. SLACK, IN NEWCASTLE;
A. MILLAR, AND R. AND J. DODSLEY, IN LONDON.

M DCC LXIV.

A

SERMON

MVSEVM
BRITAN
NICVM

BY ROBERT LOWTH, D.D.

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MDCCLXIII.

DEUT. iv. 7, 8, 9.

WHAT NATION IS THERE SO GREAT, WHO HATH GOD SO NIGH UNTO THEM, AS THE LORD OUR GOD IS IN ALL THINGS THAT WE CALL UPON HIM FOR?

AND WHAT NATION IS THERE SO GREAT, THAT HATH STATUTES AND JUDGEMENTS SO RIGHTEOUS, AS ALL THIS LAW WHICH I SET BEFORE YOU THIS DAY?

ONLY TAKE HEED TO THYSELF, AND KEEP THY SOUL DILIGENTLY, LEST THOU FORGET THE THINGS WHICH THINE EYES HAVE SEEN, AND LEST THEY DEPART FROM THY HEART ALL THE DAYS OF THY LIFE.

WITHOUT attempting any parallel between our own Nation and that of the Iſraelites, which ſtood in a nearer and more immediate relation to GOD than any other people of the world hath ever done; I ſhall deduce from the words, which I have rehearſed to you, the following general propoſition immediately reſulting from them, and applicable to every nation

tion under heaven, but peculiarly applicable to ourſelves: That great and ſignal National Bleſſings lay thoſe on whom they are conferred under a proportionable obligation of duty, and require at their hands ſuitable returns of gratitude, love, and obedience, to Almighty GOD the author of them.

THE great Leader and Legiſlator of the Iſraelites exhorts his people to obedience, from a conſideration of the moſt remarkable and moſt important inſtances, in which GOD had manifeſted his goodneſs and favour to them; from the excellence of "the Law, the righteous Statutes and Judgments" both Religious and Civil, which by GOD's command he had ſet before them; from "GOD's nearneſs unto them," and readineſs to hear them, "in all things for which they called upon him"; in all thoſe wonderful "things which their eyes had ſeen," giving them relief in all their diſtreſſes, and victory over all their enemies. From the like inſtances of GOD's great goodneſs to this Nation, I ſhall endeavour to excite in you a due ſenſe of the obligations incumbent on you; and to remind you of the proper returns of duty, which theſe great bleſſings demand of you.

IN the firſt place, let us reflect on the greateſt and moſt important of all the bleſſings which GOD hath beſtowed upon us, Our moſt Holy Religion; that pure and uncorrupted form of Chriſtianity, which by his good providence

vidence hath been eſtabliſhed among us, and through ſo many dangers preſerved to us. We enjoy in its full light the complete revelation of GOD's will to mankind delivered by JESUS CHRIST; true and genuine Chriſtianity, reformed from the groſs errors of Popery; reduced to the original ſtandard of the Goſpel; in doctrine regulated altogether by the holy Scriptures; in order and worſhip as nearly as may be conformed to the model of the Apoſtolical and Primitive times. The Church of England profeſſeth to found all her doctrines upon the holy Scriptures alone; "ſo that whatſoever is not read therein, nor may be proved thereby, is not to be required of any man, that it ſhould be believed as an Article of Faith, or be thought requiſite or neceſſary to ſalvation." And her Miniſters act agreeably to this principle: they do not affect a dominion over the faith of the Laity; they do not pretend to lord it over God's heritage; to dictate doctrines to which the people are bound to give an implicit aſſent, or precepts to which they are to yield a blind ſubmiſſion: they ſend you "to the law, and to the teſtimony"; they exhort you to ſearch the holy Scriptures, which lie open before you; to make a diligent and impartial inquiry into the truth of what they themſelves deliver; to ſee with your own eyes, and to judge with your own underſtandings. And as our Religious Eſtabliſhment is founded on the right of private judgment, ſo it freely allows to others that liberty, which it hath vindicated to itſelf: it diſclaims all coercive methods, neither

ther forcing others into ſubjection, nor retaining its own members by violence; it gives all reaſonable indulgence to weak and ſcrupulous conſciences, and treats with charity and forbearance thoſe who think themſelves obliged to diſſent from it. In matters of order and decency, in the form and manner of worſhip, our Church hath moſt judiciouſly and happily attained the due mean between Superſtition and Enthuſiaſm; not ſubject to ordinances, nor yet wholly diſdaining the uſe of them; not indulging, on the one hand, a vain oſtentation of pompous ceremonies, or attributing imaginary efficacy to empty ſhews and mere outſide performances; nor, on the other, rejecting ſuch order as the decency and ſolemnity of religious worſhip require, or leaving devotion to the dangerous guidance of wild fancy and inflamed imagination. Her public Offices are conceived in the true ſpirit of ſincere, rational, well-inſtructed piety; delivered in language intelligible, ſimple, unaffected, yet in the higheſt degree ſolemn and powerful; by an expreſſive plainneſs informing the underſtanding; by a well-judged variety awakening the attention; by a fervent ſtrain of devotion warming the heart, and engaging the affections.

WHAT thanks are due to Almighty GOD, not only for this his unſpeakable gift itſelf, for the bleſſing of ſo excellent an Inſtitution once beſtowed upon us; but for his continual mercy alſo in preſerving it to us, through ſo many and ſuch imminent dangers, ſuch frequent and

dreadful

dreadful conflicts? How nearly was our Religious Eſtabliſhment oppreſſed almoſt in its birth, when Popery, but newly baniſhed, returned again with exaſperated fury, breathing revenge and ſlaughter? To what extreme hazard was it afterwards perpetually expoſed, from the reſtleſs attempts, the open aſſaults, and the dark machinations, of the ſame inveterate enemy? Plots and conſpiracies, avowed pretenſions of arbitrary power, repeated rebellions, all means have been tried, and every effort hath been exerted, to bend our necks under the yoke, which our fathers were not able to bear. On the other hand, how totally was the Religious Conſtitution of this nation overturned, in that general confuſion of all our rights, divine as well as human, which Rebellion, fomented by Fanaticiſm and Hypocriſy, brought upon us? Yet it pleaſed GOD in his goodneſs wonderfully to reſtore it, and through ſucceeding dangers and difficulties continually to preſerve it. It is now ſeated upon a rock; and the malice, the fraud, and the force of its enemies, by the bleſſing of GOD, ſhall not prevail againſt it.

NEXT to our Holy Religion the greateſt bleſſing, for which we ſtand indebted to Almighty God, is that of our Laws and Government. Our Civil Conſtitution was from the firſt founded on the liberty of the People; which was an eſſential part of the form of government, that univerſally prevailed among the northern nations, and was tranſplanted hither with our Saxon anceſtors. The

people had their acknowledged rights, and the obligation was reciprocal between them and their governors. These were legal kings, not arbitrary tyrants: they were bound and reſtrained by the laws of the community, framed with the people's participation and conſent. But it muſt be owned, that liberty had for a long time many difficulties to encounter. Suppreſt by the exorbitance of Regal and of Ariſtocratical power, it nevertheleſs ſtill retained enough of life and vigour to be able to exert itſelf effectually, as occaſion offered; and at length, by a more equal participation of property communicated to the people, it was enabled to maintain its own cauſe, and to eſtabliſh on a wider and firmer foundation of law its rights hitherto precarious and inſecure. The great fabric of the Britiſh Conſtitution was raiſed by ſlow degrees, and perfected by repeated improvements: it was the work of ages to bring it to that beauty of proportion, that firm connection of parts, that ſtrength and ſtability, in which it now ſubſiſts..

To diſplay the excellence of this plan of government fully and at large, as the ſubject deſerves, is beyond my preſent deſign: I ſhall only endeavour to trace out ſome of the great lines of it, and to turn your attention to thoſe parts, from whence our happineſs in the enjoyment of it moſt viſibly ariſes.

OUR Civil Government is happily placed between the two extremes of Deſpotic power and Popular licentiouſneſs: it is wiſely compoſed of ſuch a due mixture of the ſeveral ſimple forms of government, thoſe of One, of a Few, and of Many, as to retain as far as poſſible the advantages, and to exclude the inconveniences, peculiar to each; and the parts are ſo nicely combined and adjuſted, that the ſeveral powers co-operate and move on together in concert and agreement, mutually tempering, limiting, and reſtraining, yet at the ſame time aiding, ſupporting, and ſtrengthening each other.

THE harmony of the whole ariſes from the mutual connection, and the mutual oppoſition, of the ſeveral conſtituent parts. The Three different Orders, which compoſe the ſyſtem, including every part of the community, and poſſeſſing the unlimited authority of the whole, are connected together by a power of ordaining, belonging jointly to them all; they are oppoſed to one another by a power of hindering, belonging ſeparately to each: by the former they are enabled to provide for the good of the community in general; by the latter they are diſabled from encroaching on each others rights, or oppreſſing any part. The Sovereign Power is the main ſpring of the machine; it is not only the firſt mover, but the principal regulator of the whole movement: and the reſtraining principle is ſo diſpoſed, as to direct and moderate, without obſtructing

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the motion. Every one of the Three Powers is a moderating power, placed between two others, and ready to exert its force on either hand; to aid or reſiſt, to incite or repreſs, as the exigence may demand. Thus the Ariſtocratical Power is as it were the Iſthmus between the Regal and Popular Powers, keeping each within its due bounds, nor ſuffering either to overflow its ſhores. Each of the others in its turn hath a like influence in tempering the powers on each ſide of it: nor is the influence of the Collective body of the People wholly excluded by devolving its rights on the Repreſentative; for it not only creates the Repreſentative body, but holds it when created in continual reſtraint by the freedom and the frequency of a new choice. Such are the fundamental principles, ſuch the general plan of our ſyſtem of government: a ſyſtem, beautiful and admirable in theory, beyond all the ideal forms that political wiſdom hath ever conceived; uſeful and ſalutary in practice, beyond all the real examples that civil hiſtory can furniſh.

THE firſt and moſt obvious excellence of our Civil Conſtitution appears in the due diſtribution of the Legiſlative power among the ſeveral orders of the community, and the large ſhare of it into which the People are admitted. The greateſt and moſt important privilege that any people can poſſibly enjoy, is to be governed by laws framed by their own advice or conſent. Now as the people in their Collective body are not, by reaſon of their multi-

multitude, capable of diſcuſſing affairs; of conſulting and debating in an orderly manner, and of forming well-weighed reſolutions; all this can be no otherwiſe managed than by Repreſentation: and the act of Repreſentatives freely choſen by themſelves is juſtly eſteemed their own act. If abuſes in this part are complained of, let it be conſidered, from whence the abuſe originally ſprings. There can be no ſtronger proof of the true liberty of any people, than that they cannot be deprived of any part of their liberty, or of the benefits of it, but by their own fault. Freedom in its very nature is liable to abuſe; and national freedom, in which conſiſts civil dignity, is like the freewill of man, which is the foundation of all moral worth; they are both precious talents committed by Almighty GOD to our care, and we are accountable for the management of them to our country, to our own conſcience, and to GOD: to bind them up by any neceſſary reſtraint from abuſe, would be in effect to annul and to deſtroy them. It muſt be allowed then, that the people of this nation do enjoy, as fully as in the nature of things they are capable of enjoying, and as far as they have the will and the virtue to enjoy it, the great advantage of being governed by laws of their own framing, or to which they give their free aſſent. And this great privilege alone manifeſtly includes in it the ſecurity of life, of freedom, of property, of every thing that is valuable or dear to man.

As the Legiſlative power, which requires much counſel and mature deliberation, is very properly placed in the hands of Many, and thoſe of different ranks, that the intereſts of all may be conſulted; ſo is the Executive power, which requires immediate action, with equal propriety committed to One. The adminiſtration of government reſides in the Sovereign; who of all earthly monarchs approaches neareſt in the nature of his government to the great Governor of the univerſe; who governs by fixt and ſtated laws; whoſe power is exerciſed in aiding, protecting, relieving; in juſtice, in mercy, in goodneſs; but is incapable of being employed in injury and wrong. As the whole government is diſtributed by commiſſion to miniſters and officers, and every part is to be executed by them agreeably to known rules, and in ſubſervience to the laws; theſe become reſponſible for mal-adminiſtration, and are accountable to the Repreſentatives of the people, and to the Supreme Judicature of the kingdom. Thus is the dignity of the Sovereign conſulted, and the welfare of the people moſt effectually ſecured. The Prince has the honour of being the miniſter of GOD for good to his people; of ruling ſubjects, not ſlaves; of governing by law, not by arbitrary will and caprice: and the people are happy in obeying a legal monarch, not a tyrant; in ſecurity from oppreſſion under the protection of their own laws; in a power of doing whatever the laws permit, and of not being compelled to do what the laws do not command;

mand; in which the very nature of true and perfect Civil Liberty conſiſts.

THERE remains another principal part of civil power, the power of Judicature: which in our excellent Conſtitution is ſo juſtly tempered, ſo properly diſpoſed, and placed in ſuch ſafe and faithful hands, that there never exiſted any nation, whoſe happineſs in this reſpect was ſo wiſely conſulted, or ſo effectually ſecured. It is the great and ſingular privilege of every ſubject of this happy ſtate to be judged by his own Equals: by thoſe, who from a ſimilitude of ſituation, of circumſtances, of intereſts, and even of ſenſations, are moſt likely to give judgement with juſtice, with candor, with equity, with mildneſs and tenderneſs; as friends, rather than judges; as an aſſembly of brethren, rather than a tribunal of inquiſitors. Appointed in ſuch a manner, as to leave as little room as poſſible for fraud, malice, or prejudice; conſiſting of ſuch number, as that their unanimous conſent muſt imply a clear and certain inveſtigation of truth; ſo far liable to the refuſal of the party whoſe life or property is in queſtion, that thoſe who are not refuſed may juſtly be eſteemed of his own choice. The venerable Magiſtrate who pronounces ſentence, though diſtinguiſhed by the name of Judge, bears in reality a character ſuperior to the ordinary import of that name: that of a Being abſtracted from all external regards; without affection or partiality, without paſſion or prejudice: it is Law herſelf uttering her decrees with

with a human voice, who abſolves without favour, and puniſhes without reſentment. It was one of the firſt cares of our gracious Sovereign to ſupport the dignity, and ſecure the independency of this venerable character even from the poſſible influence of the Sovereign power itſelf: not induced to it by any late experience or preſent apprehenſion of inconvenience; but prompted by a juſt and delicate ſentiment of what is right; by a jealous ſolicitude for the ſafety and welfare of his people. The benefit of the laws is open to all; and Juſtice is eaſily acceſſible, even to the remoteſt parts of the kingdom, by theſe her Annual Solemnities. But as the views of Law are univerſal, and not particular; and while ſhe fixes her eye upon general good, ſhe cannot ſee every poſſible circumſtance, that may divert or obſtruct her deſign; whoever thinks himſelf diſtreſſed or injured in his property by the rigid rule of law, incapable in its nature of plying to the peculiar exigence of his caſe, to him acceſs is open to the Seat of Equity, and to the Supreme Judicature of the nation: where Reaſon mitigates the ſeverity of Law, or rather ſeizes her true ſpirit, and fulfills her real intention. In Criminal Cauſes, the party accuſed maintains the freedom of his perſon, except in offences of the moſt enormous nature, by giving caution for his appearance; he demands a ſpeedy hearing, and is not oppreſſed by the delay of juſtice, often more grievous than the extreme rigour of it; he has all the advantages of a fair and candid trial, of a free and open defence. And the unhappy Convict,

vict, lying under the ſevere ſentence of the Judge, in whom compaſſion would be a weakneſs, and lenity a crime, may ſtill direct his hopes and his addreſſes to the throne; where Mercy is ſeated together with Majeſty, and is ever ready to extend her grace to every proper object that can offer itſelf.

SUCH in its principal parts is our excellent form of Government; in which the general good of the whole, and the welfare of every part of the community, is more effectually provided for, than it appears to have been in any other nation, in any age, or in any part of the world. In the preſent ſtate of things, what we call perfect is only ſo in a comparative, not an abſolute ſenſe: that is the moſt perfect form of government, which has the feweſt faults, and is ſubject to the leaſt inconveniences; and whatever exceptions may juſtly be made to our Civil Conſtitution, yet may it truly be ſaid to have attained as great a degree of perfection, as in any human inſtitution, and in an inſtitution of ſo complicated a nature, can reaſonably be expected. If we look round us, and compare our own condition in this reſpect with any of the neighbouring nations; if we look backwards, and compare our preſent ſituation with that of our forefathers at any former time; we ſhall ſee abundant reaſon to rejoice in our lot, and to magnify the goodneſs of GOD towards us. If we reflect on the great and ſignal mercies, the many wonderful deliverances vouchſafed in extreme perils to this

ſtate and nation, we cannot but perceive and acknowledge the Divine protection perpetually exerted in our behalf. Our Civil and Religious liberties have generally been expoſed to the ſame conflicts, and have run the ſame hazard together: but every attempt to overthrow them hath in its conſequences, by the providence of GOD, manifeſtly tended to the more perfect eſtabliſhment of both. And ſtill more ſenſible muſt we be of our infinite obligations to Almighty GOD, if to all theſe inſtances of divine favour tranſmitted to us through the hands of our fathers, we add his late mercies, thoſe recent examples of his goodneſs, "which our eyes have ſeen," and we have ourſelves experienced; when in a long, a perilous, and deſtructive War, begun with diſadvantage, and for ſome time continued with loſs and diſgrace on our part, it pleaſed GOD to ſupport us, and to ſtrengthen us againſt our adverſaries; in the midſt of deſpondency to inſpire us with courage, in the midſt of diſſention with unanimity; to go forth with our fleets and armies, and to crown us with victories in every quarter of the globe; to blaſt the deſigns of great, numerous, and powerful enemies, and through dangers and difficulties to conduct us to ſucceſs and ſecurity, to conqueſt and peace. "Happy art thou, O *Britain:* who is like unto thee, O People ſaved by the LORD; who is the ſhield of thy help, and the ſword by which thou haſt triumphed! Thine enemies are found liars unto thee, and thou haſt trodden upon their high places."

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"WHAT return then ſhall we make unto the LORD for all his benefits that he hath beſtowed upon us?" It behoves us "to take heed to ourſelves, leſt we forget theſe things, and leſt they ever depart from our hearts;" to acknowledge and adore GOD's great, yet undeſerved, goodneſs to us; to be ſenſible of theſe peculiar bleſſings, and to feel our own ſingular happineſs; to maintain and to cheriſh in our minds a proper eſteem and reverence, a due affection and zeal, for our moſt holy Religion, and our moſt excellent Civil Polity; and to ſhew forth in our lives and converſation thoſe fruits of godlineſs and honeſty, which on theſe accounts may juſtly be expected from us.

IT becomes us in the firſt place to have a due ſenſe of the ineſtimable bleſſing which we enjoy in the light of the Goſpel, which hath diſſipated the obſcurity of natural religion, and the groſs darkneſs of heatheniſm; and in the liberty of the Reformation, which hath delivered us from the abſurd ſuperſtitions, the manifold corruptions, and the inſupportable bondage of Popery. If we prize theſe great bleſſings as we ought, and are actuated with a ſpirit becoming them, we ſhall be ever zealous to maintain and ſecure them to ourſelves; and, when occaſion offers, and as far as our influence extends, to impart and communicate them to others: to which great work

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of zeal and charity the providence of GOD ſeems at this time expreſsly to call us, by opening an immenſe field to this pious labour, in the vaſt acceſſion made to our foreign dominion among barbarous and unenlightened nations: we ſhall be careful not to diſgrace our profeſſion by vicious practices, or intolerant principles, equally inconſiſtent with it; not to make our religion merely a ſubject of debate, a mark of diſtinction, or an occaſion of diviſion and faction; but to apply it to ourſelves as a rule of life, as a motive to piety, to charity, and to every good work, as the ſtrongeſt incitement to every thing that is great and generous, that adorns or exalts human nature.

A DUE ſenſe of our obligation to Almighty GOD, as citizens and members of the beſt regulated Polity, will engage us to a conſcientious diſcharge of every branch of duty ariſing from that relation: to aid, aſſiſt, and concur with our governors, each according to our ſeveral ſtations and abilities, in purſuing the great ends of government; in procuring the peace, the ſecurity, the welfare of the whole community; in promoting order, unanimity, probity, and juſtice, among our fellow citizens; in diſcouraging and reſtraining all immorality, and profaneſs, and every kind of vice, as the bane of ſociety, the ſure deſtruction of ſtates and empires: and always to teſtify our regard to the laws of our country by a ready and chearful obedience to all that are in authority; by

reverence

reverence to Magiſtrates of every degree, and by diſtinguiſhed reverence to the Higheſt.

In a word, the great and manifold bleſſings, which have been beſtowed on us beyond any other nation in the world, evidently require of us, that we ſhew ourſelves not altogether unworthy of theſe gifts by a proper uſe and improvement of them: they demand of us proportionate returns of duty and thankfulneſs, of praiſe and adoration, to Almighty God the ſole author of them; of honour, ſubmiſſion, and gratitude to our Governors, by whom, under God, they are diſpenſed unto us; of peace and quietneſs, unity and charity, among ourſelves; of all piety and virtue from every one of us in particular: theſe are the proper fruits, which muſt reaſonably be expected, and will certainly be required of thoſe, who have been ſo highly favoured of God, and enjoy in their full extent all the advantages of the beſt Government and the pureſt Religion.

reverence to Magistrates of every degree, and by distinguished reverence to the Nobility.

In a word, the great and manifold blessings which have been bestowed on us beyond any other nation in the world, evidently require of us, that we strive ourselves not altogether unworthy of these gifts by a proper use and improvement of them: they demand of us proportionate returns of duty and thankfulness, of pure and adoration, to Almighty God the sole author of them; of honour, submission, and gratitude to our Governors, by whom, under God, they are dispensed unto us; of peace and quietness, unity and charity, among ourselves; of all piety and virtue in every one of us in particular: these are the proper fruits, which may reasonably be expected, and will certainly be required of those, who have been so highly favoured of God, and enjoy in their full extent all the advantages of the best Government and the purest Religion.